

GARY T. PIERCE ) DOCKET NO.  
 ) 04-0453  
 )  
 Vs. )  
 )  
 CENTRAL ILLINOIS LIGHT COMPANY )  
 )  
 Complaint as to overcharges in )  
 Springfield, Illinois. )

Met, pursuant to notice, at 9:00 a.m.

MR. JOHN ALBERS, Administrative Law Judge

MR. GARY T. PIERCE  
2212 Catalina Avenue  
Springfield, IL 62702

MR. EDWARD FITZHENRY  
1901 Chouteau Avenue  
St. Louis, MO 63103

SULLIVAN REPORTING COMPANY, by  
Tracy G. Bartolomucci, Reporter  
Ln. #084-003861

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## I N D E X

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WITNESSES

DIRECT CROSS REDIRECT RECROSS

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None.

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## I N D E X

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EXHIBITS

MARKED

ADMITTED

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None marked.

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## P R O C E E D I N G S

JUDGE ALBERS: By the authority vested in me by the Illinois Commerce Commission, I now call docket 04-0453. This docket was initiated by Gary T. Pierce against AmerenCILCO concerning overcharges in Springfield, Illinois or alleged overcharges, rather.

May I have the appearances for the record, please.

MR. PIERCE: My name is Gary T. Pierce.

JUDGE ALBERS: Could you state your address and phone number as well, Mr. Pierce?

MR. PIERCE: My name is Gary T. Pierce. My address that's in question is 1940 East Jackson Street, Springfield, Illinois. My home address is 2212 Catalina Lane, Springfield, Illinois. My phone number is 217-544-7680.

JUDGE ALBERS: Thank you.

MR. FITZHENRY: On behalf of Central Illinois Light Company, doing business as AmerenCILCO, my name is Edward Fitzhenry. My business address is 1901 Chouteau Avenue, St. Louis,

1 Missouri, 63103. My telephone number is area code  
2 314-554-3533.

3 JUDGE ALBERS: Thank you. Let the record  
4 reflect that there are no others wishing to enter an  
5 appearance.

6 This hearing was called earlier this week  
7 for the purpose of addressing some concerns  
8 Mr. Pierce raised to me very generally on the phone  
9 regarding some discovery he's trying to get  
10 accomplished.

11 And with that, Mr. Pierce, could you  
12 please then state for the record exactly what it is  
13 your concerns are.

14 MR. PIERCE: In the year 2003, between the  
15 months of March and April, I had contacted the  
16 office of AmerenCILCO here in Springfield on Cook  
17 Street, at that time they had an office, they don't  
18 have it anymore, with my concerns with my bill being  
19 high. They sent a representative or agent out to  
20 check, and when he checked at that time he didn't  
21 find anything wrong with the meters or any gas leaks  
22 or anything at that time. And he just stated to me,

1           he stated I was just being charged commercial rates.

2                       And then I wanted that information because  
3           it could be used in my hearing on February 1st to  
4           show the discrepancies, so I wanted that information  
5           because I don't have that information. He didn't  
6           send me any paperwork on his findings or anything.

7                       JUDGE ALBERS: And that's in March you had  
8           someone come out twice in March or April?

9                       MR. PIERCE: No, either the month of March or  
10          April. I can't remember exactly what month, but  
11          I'm sure it was either March or April I had them  
12          come out.

13                      JUDGE ALBERS: So someone came out in either  
14          March or April of '03 and took a look at your meter?

15                      MR. PIERCE: The meters and everything,  
16          thermostats.

17                      JUDGE ALBERS: And you'd like to have any  
18          records that CILCO might have regarding that visit?

19                      MR. PIERCE: Yes, sir.

20                      JUDGE ALBERS: Mr. Fitzhenry, do you have  
21          any thoughts on that at this point?

22                      MR. FITZHENRY: Yes, Your Honor. I did get

1       Mr. Pierce's request and in response to that request  
2       we have sent him we think everything that we have.  
3       He should have received some of the information by  
4       now.

5                     Is that correct, Mr. Pierce?

6             MR. PIERCE: I got some information but I  
7       never received that information.

8             MR. FITZHENRY: Well, actually, you did, but  
9       let me go ahead and explain myself, if I could.

10                    And, Judge, I won't belabor you with all  
11       the various documents provided. We provided the  
12       service route sheet that goes back to December of  
13       '03, it was a notice of hazardous condition, and we  
14       also provided what we call customer contract --  
15       sorry, customer contact entries. And when a  
16       customer calls in for whatever reason there's a  
17       notation made electronically, and in the several  
18       sheets that were provided Mr. Pierce, they do go  
19       back to this period of time of March and April of  
20       2003.

21                    And we've also provided certain notes, you  
22       know, anything that was in his file. We also had

1       provided to him what's called a service route sheet  
2       from December of '03.

3               So I guess at the bottom, whatever we've  
4       had, whatever we had, whether we thought it was  
5       relevant or not, that wasn't part of our  
6       consideration. We've given him what we had.

7               We also did test the meters, and this will  
8       come out in the evidentiary hearing, we did test the  
9       meters post-April 2004. We had sent to Mr. Pierce  
10      the information pertaining to those inspections. We  
11      have kept those meters, they've been turned out, as  
12      in the ordinary course of business. We've offered  
13      to Mr. Pierce the right to come and look at those  
14      meters and have them tested if he would like.

15              But again, at bottom, anything that I have  
16      I've given to him.

17              MR. PIERCE: I have in front of me something  
18      that you sent to me FedEx. That's the only thing I  
19      received from your office, with all due respect,  
20      Your Honor, and this is dated July 19, 2004.

21              I have nothing in front of me with 2003 on  
22      it. That's when you tested the meters in July of

1       2004 and you said that you had sent me something  
2       from December 2003. The dates in question in 2003  
3       is March and April. I haven't received any of  
4       that. I don't have anything that deals with that.

5               I have a list of I guess the bills, you  
6       know, showing the difference in the bills when you  
7       all were charging me, wasn't charging me correctly.  
8       According to your records you wasn't charging me  
9       correctly. I do have that but I don't have anything  
10      regarding when I had the guy come out.

11             MR. FITZHENRY: That's the trouble for us  
12      being a hundred miles apart. I'll resend everything  
13      I have.

14             And, for the record, I will tell you, I  
15      have a document in front of me, again, it's one of  
16      these customer contact entries, there's a remark,  
17      language it says:

18             "He thought that maybe the residential  
19      meter should be the one that had a lot of usage on  
20      it and that the commercial should be low. Explained  
21      that the commercial account service is two furnaces  
22      and the residential looks like it's only a water



1 heater."

2 Now, if you don't have that I can't  
3 explain it. I will send it again.

4 MR. PIERCE: I don't have that. What date is  
5 that letter?

6 MR. FITZHENRY: It's not a letter, it's a  
7 customer contact notation made electronically on  
8 your account.

9 MR. PIERCE: What date it, though? Does it  
10 have a date?

11 MR. FITZHENRY: Date January 24th, '03.

12 MR. PIERCE: That's probably -- see, I had my  
13 months wrong. That's probably it.

14 MR. FITZHENRY: Okay.

15 MR. PIERCE: That's probably what I'm looking  
16 for. I don't have it, though.

17 MR. FITZHENRY: I can't explain why you  
18 don't because, you know, as far as everything I  
19 know, Mr. Pierce, it was sent to you, but I will  
20 resend everything I have again. There's nothing  
21 that I intend to withhold from you.

22 MR. PIERCE: Well, the only thing I wanted was

1       that showing because, at the hearing, on the  
2       record, I'm not a lawyer so I don't know whether I'm  
3       speaking off the record, I don't know how I'm  
4       speaking, the only reason I wanted it was to show, I  
5       want to show something with that.

6               MR. FITZHENRY: What I'm saying is I've  
7       given you everything I have. I'm not trying to  
8       judge, you know, that you only want '03 records. I  
9       want you to have everything that I have to do with  
10      whatever you wish.

11             MR. PIERCE: I got mostly everything but if  
12      you want to resend everything I appreciate that,  
13      too.

14                     What I sent you, and I should have sent  
15      you everything you asked me to send you, pictures  
16      and everything, and I told you how I felt that  
17      pertained to my case and everything else. Did you  
18      receive that?

19             MR. FITZHENRY: Well, I don't -- remember  
20      the call I made to you where I told you that that  
21      letter -- you sent me one letter, correct?

22             MR. PIERCE: I sent you a letter with copies

1 of the pictures, receipts, everything I'm going to  
2 use in the hearing.

3 MR. FITZHENRY: Is that the one that I  
4 contacted you about? Is that the same letter where  
5 you asked me to provide the '03 information?

6 MR. PIERCE: Right.

7 MR. FITZHENRY: I told you I don't have that  
8 letter, I misplaced it, so I asked you again to  
9 resend it to me.

10 MR. PIERCE: To resend all the information I  
11 sent?

12 MR. FITZHENRY: Yes.

13 MR. PIERCE: I just sent it.

14 MR. FITZHENRY: Well, I'm doing the same  
15 thing for you.

16 MR. PIERCE: I mean, I just sent all that. I'd  
17 have to go through copying all that information  
18 again. I don't think that's right. I just sent it  
19 to you.

20 MR. FITZHENRY: When did you just send it to  
21 me?

22 MR. PIERCE: I didn't know we was going to be

1       going through all this this morning. I didn't get  
2       all my records out for that.

3               MR. FITZHENRY: Whatever your copying costs  
4       are to produce that information again we will  
5       reimburse you.

6               MR. PIERCE: Because my copy machine is down.  
7       I have to get glass put on it. I just did all this  
8       here and sent it to you. I don't feel like going  
9       through all that again, man, to copy the pictures  
10      and everything in there.

11              JUDGE ALBERS: I understand your concern,  
12      Mr. Pierce, but Mr. Fitzhenry has indicated he  
13      thought he sent you some information as well and is  
14      willing to resend it.

15              MR. PIERCE: I sent this on December 8th. I  
16      got it right in front of me. I got a letter I sent  
17      to him December 8, 2004. I said:

18                      "Mr. Fitzhenry, here you will find copies  
19      of bills, pictures of meters, thermostats and copies  
20      notice of code violation and exchange meter receipt  
21      that was requested.

22              MR. FITZHENRY: That letter was never

1       received. I know it's frustrating but I will tell  
2       you on the record I do not have that letter or those  
3       attachments nor do I have any recollection of that  
4       letter.

5               MR. PIERCE: You have two offices. I sent it  
6       to your office.

7               JUDGE ALBERS: Okay. This is Judge Albers.  
8       Hang on for a second, both of you. Why don't before  
9       we go any further, obviously you'd both like to have  
10      something resent to you. Can we right now state for  
11      the record what address so everyone is clear as to  
12      where things are to be sent?

13              MR. PIERCE: All right.

14              MR. FITZHENRY: 1901 Chouteau.

15              JUDGE ALBERS: Spell that, please.

16              MR. FITZHENRY: C-h --

17              MR. PIERCE: 1901 what?

18              MR. FITZHENRY: C-h-o-u-t-e-a-u, Avenue.

19              MR. PIERCE: C-h-o-u- what did you say?

20              MR. FITZHENRY: C-h-o-u-t-e-a-u.

21              MR. PIERCE: Okay.

22              MR. FITZHENRY: Avenue. Just to be sure add

1 mail code, m-a-i-l, code 1310.

2 MR. PIERCE: All right.

3 MR. FITZHENRY: St. Louis, Missouri, 63103.

4 MR. PIERCE: Who should I address this to?

5 MR. FITZHENRY: To me.

6 MR. PIERCE: My address that I want you to  
7 send any information to me is 2212 Catalina Lane,  
8 Springfield, Illinois, 62702.

9 MR. FITZHENRY: Springfield, Illinois, and  
10 zip code?

11 MR. PIERCE: 62702.

12 MR. FITZHENRY: All right. I had been  
13 sending information to you at your East Jackson  
14 address.

15 MR. PIERCE: Yeah, luckily I was there to get  
16 that from the Federal Express, I believe it was,  
17 that brought it by here.

18 MR. FITZHENRY: Well, I will resend  
19 everything that I have to your address on Catalina  
20 Lane.

21 MR. PIERCE: I guess I have to resend this to  
22 you, too, before the next meeting. I'll try to get

1           it there to you, all right?

2           JUDGE ALBERS: Well, send it as soon as you  
3           can because just like you're going to want it before  
4           we meet on the 1st Mr. Fitzhenry is going to want  
5           the information before we meet on the 1st.

6           MR. PIERCE: I understand that, Your Honor,  
7           but I don't see how he could have missed it when I  
8           sent it the first time, I really don't. But next  
9           time I should maybe send it with certified letter,  
10          make sure somebody sign for it, but I went through  
11          a lot of work to put that in there and get it in  
12          there to him and now I have to go back through this  
13          again. This is getting frustrating for me, because  
14          I'm not an attorney. But I'll try to send it back  
15          to him the way I did before.

16          JUDGE ALBERS: I understand it's  
17          frustrating. It's probably frustrating for both of  
18          you, but it sounds like we can probably get this  
19          taken care of and both of you can get what you want  
20          in the end as far as the discovery information.

21                  Can you commit to send that by a certain  
22          the date so we'll know if Mr. Fitzhenry doesn't

1           receive it?

2           MR. PIERCE: I'll send it out to him next  
3 week, probably be Monday or Tuesday next week,  
4 because I have to, again, my copier machine, I have  
5 to replace the glass on it so I might have to pay to  
6 get all this information copied.

7           JUDGE ALBERS: I don't know if there's going  
8 to be mail next Monday. It's Martin Luther King  
9 day.

10          MR. PIERCE: Tuesday. Tuesday is the best I  
11 can do.

12          MR. FITZHENRY: Mr. Fitzhenry, if you get  
13 that by -- how are you going to send that,  
14 Mr. Pierce?

15          MR. PIERCE: I'll send it mail but this time  
16 I'll make sure I'll send it where he has to sign for  
17 it.

18          JUDGE ALBERS: Like regular mail?

19          MR. PIERCE: Regular postage but I'll just  
20 make sure he has to sign for it.

21          MR. FITZHENRY: I will not be in the office  
22 on the 20th or 21st, so keep that in mind in terms



1 of your choice of the manner by which you want to  
2 mail this information.

3 MR. PIERCE: Well, I mean, I could send  
4 it -- I don't know how much it would cost to send  
5 the information Federal Express. I could do that,  
6 but I'd rather send it with certified mail to make  
7 sure somebody in the office signs for it.

8 MR. FITZHENRY: Check the post office, I'm  
9 not sure exactly how they do that but if you make it  
10 specific that I have to sign for it and I'm not  
11 here --

12 MR. PIERCE: Like I said, I'll just make sure  
13 somebody in your office signs for it.

14 MR. FITZHENRY: That's fine.

15 JUDGE ALBERS: Well, are both of you  
16 satisfied that you think you'll get in enough time  
17 before the evidentiary hearing the information  
18 you're seeking?

19 MR. PIERCE: I hope so, Your Honor. I really  
20 appreciate getting the chance to express this  
21 again, but, you know, whatever. I'm satisfied.

22 MR. FITZHENRY: I'm going to mail out

1       everything again today to the Catalina address by  
2       Federal Express.

3               You know, I will just state for the  
4       record, Judge, I know Mr. Pierce intends to get this  
5       information to me as promptly as possible, but, you  
6       know, if I got it the day before the hearing that  
7       would be a problem.

8               JUDGE ALBERS: I agree that it would be a  
9       problem as well.

10              I need to emphasize, Mr. Pierce, that you  
11       get that information put in the mail as soon as  
12       possible so as not to delay the evidentiary hearing.

13              MR. PIERCE: All right.

14              JUDGE ALBERS: Okay?

15              MR. PIERCE: I understand.

16              JUDGE ALBERS: And I realize this is  
17       frustrating for both of you but sometimes these  
18       things happen.

19              MR. PIERCE: All right. I have to go through  
20       this again and see, maybe I might already have  
21       copies of it already because I think I made more  
22       than within copy of some of this stuff. If I did

1 I'll be able to get in the mail sooner.

2 JUDGE ALBERS: I will point out, too, as  
3 long as you're going to be making copies again, if  
4 there's any information that you believe you'd  
5 actually like to make part of the record in this  
6 case; in other words, if it's information you would  
7 like me to be able to consider in making a decision  
8 in this case, you need to have a copy of that  
9 document or that picture or whatever it is.

10 MR. PIERCE: I think that's what I had did, I  
11 had made copies for the hearing.

12 JUDGE ALBERS: I was just going to say, make  
13 sure there's a copy for myself for my record and for  
14 the Clerk's Office.

15 MR. PIERCE: Looking through here, it looks  
16 like I have those copies, but, like I say, I have  
17 to do it all over again, so.

18 JUDGE ALBERS: Okay. All right. Is there  
19 anything further from either of you then?

20 MR. PIERCE: No, sir. I'm just looking  
21 forward for the day to get this over with.

22 MR. FITZHENRY: Thank you, Judge. And I'd

1           like a copy of the transcript, please.

2           JUDGE ALBERS: Well, if there's nothing  
3           further, and I believe you both seem satisfied at  
4           this point that you'll get the information that you  
5           seek, so if there's nothing further, I don't believe  
6           there's anything for me to actually rule on other  
7           than just emphasize please try to cooperate with  
8           each other and get that information exchanged as  
9           expeditiously as possible.

10                   I will go ahead and simply continue this  
11           matter to February 1st at 10:00 a.m. for the  
12           evidentiary hearing.

13                   (Continued to February 1, 2005 at  
14                   10:00 a.m.)

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1       STATE OF ILLINOIS       )  
  )     SS:  
2       COUNTY OF SANGAMON    )

3  
4                                   CERTIFICATE

5  
6               I, Tracy Bartolomucci, CSR and Notary Public,  
7       do hereby certify that I reported in shorthand the  
8       foregoing proceedings and the foregoing is a true  
9       and correct transcript of my shorthand notes so  
10      taken as aforesaid.

11              I further certify that I am in no way  
12      related to or associated with any of the parties or  
13      attorneys involved herein, nor am I financially  
14      interested in the action.

15  
16                                   -----  
17                   TRACY BARTOLOMUCCI, CSR  
                  Notary Public, Sangamon County, IL  
                  CSR License No. 084-003861

18  
19      Dated this 30th day of  
20      January, A.D., 2005

21  
                  My commission expires 3-7-2006